

**SENATE JOURNAL  
63RD LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 9, 2013

Senate Chambers  
State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Jent, and Priest, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 2/9/2013

Correctly printed: **SB 9, SB 96, SB 112, SB 120, SB 138, SB 187, SB 225, SB 257, SB 258, SB 259, SB 260, SB 261, SB 262, SB 263, SB 264, SB 265, SB 266, SB 267, SB 268, SB 269, SB 270, SB 271, SB 272, SB 273, SB 274, SB 275, SB 276, HB 32, HB 107, HB 111.**

Correctly engrossed: **SB 86, SB 118, SB 160, SB 179, SB 197, SB 202, SB 209, SB 211.**

Correctly enrolled: **SJR 2.**

Transmitted to the House: **SB 23, SJR 8, HB 17, HB 137.**

Examined by the sponsor and found to be correct: **SJR 2.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair): 2/8/2013

**HB 40**, be concurred in. Report adopted.

**HB 52**, be concurred in. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chair): 2/7/2013

**SB 106**, introduced bill, be amended as follows:

1. Page 3, line 1.

**Following:** "cells;"

**Insert:** "and"

2. Page 3, line 2 through line 4.

**Strike:** line 2 through line 4

3. Page 3, line 5.

**Strike:** "(l)"

**Insert:** "(i)"

4. Page 3, line 5 through line 8.

**Strike:** the second "the" on line 5 through "generator" on line 8

**Insert:** ":

(i) the sources identified in this subsection (10) of electricity production from a multiple-fuel process with fossil fuels;

(ii) flywheel storage as defined in 15-6-157(4)(d);

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(iii) hydroelectric pumped storage as defined in 15-6-157(4)(e);  
(iv) batteries; and  
(v) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator"

5. Page 3.

**Following:** line 29

**Insert:** "(15) "Renewable energy fraction" means the proportion of electricity output directly attributable to electricity and associated renewable energy credits produced by one of the sources identified in subsection (10)."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**SB 180**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

**Strike:** "PUBLIC" on line 4 through the first "A" on line 6

2. Title, page 1, line 7.

**Strike:** "SECTIONS" through "AND"

**Insert:** "SECTION"

3. Page 1, line 12.

**Strike:** "sections"

**Insert:** "section"

**Strike:** "are"

**Insert:** "is"

4. Page 1, line 14.

**Strike:** line 14 in its entirety

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Buttrey, Chair):

2/8/2013

**HB 47**, be amended as follows:

1. Page 3, line 9.

**Strike:** "second Thursday after the second Tuesday"

**Insert:** "later of the first Thursday after the first Tuesday"

And, as amended, be concurred in. Report adopted.

**HB 148**, be amended as follows:

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1. Page 2, line 26.

**Strike:** "structure"

2. Page 3, line 8.

**Strike:** "structure"

3. Page 3, line 12.

**Strike:** "and antenna support structure"

4. Page 3, line 17.

**Strike:** "structure"

5. Page 3, line 21.

**Strike:** "and antenna support structure"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair):

2/8/2013

**SB 201**, do pass. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair):

2/8/2013

**HB 164**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

February 8, 2013

Senator Jeff Essmann, President  
Montana Senate  
Capitol Building  
Helena, Montana 59620

Dear President Essmann:

On Friday, February 08, 2013, I signed the following bills:

**Senate Bill 8** - Murphy

**Senate Bill 50** - Augare

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK  
Governor

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**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 2/8/2013

**SB 15**, introduced by Wanzenried  
**SB 16**, introduced by Dick Barrett  
**SB 30**, introduced by Buttrey  
**SB 32**, introduced by Facey  
**SB 87**, introduced by F. Moore

**House bills** passed and transmitted to the Senate for concurrence: 2/8/2013

**HB 71**, introduced by MacDonald  
**HB 89**, introduced by Lynch  
**HB 195**, introduced by Ingraham  
**HB 200**, introduced by Fitzpatrick  
**HB 239**, introduced by C. Smith

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 277**, introduced by Peterson, Ripley, Tutvedt, referred to State Administration.  
**SB 278**, introduced by Peterson, Debby Barrett, Dick Barrett, Connell, Lang, Salomon, Williams, referred to Natural Resources.  
**SB 279**, introduced by Peterson, Brenden, Murphy, referred to Judiciary.  
**SB 280**, introduced by Thomas, Flynn, Knudsen, Miller, Tutvedt, referred to Taxation.  
**SB 281**, introduced by Phillips, Dick Barrett, Coffin, referred to Natural Resources.  
**SB 282**, introduced by Tutvedt, referred to Taxation.  
**SB 283**, introduced by Murphy, T. Brown, Galt, Hansen, Malek, McNiven, referred to Education and Cultural Resources.  
**SB 284**, introduced by Rosendale, Debby Barrett, Brenden, Doane, Sonju, Taylor, Walker, White, referred to Local Government.  
**SB 285**, introduced by Sales, Arntzen, G. Bennett, Blasdel, Boulanger, Brenden, D. Brown, Fielder, Jackson, Kerns, Lewis, Miller, O'Neil, Randall, Regier, Ripley, Sonju, Taylor, Thomas, Vance, Vincent, Walker, White, referred to Fish and Game.  
**SB 286**, introduced by Sales, Blasdel, D. Brown, Shaw, Van Dyk, referred to Fish and Game.  
**SB 287**, introduced by Dick Barrett, Jergeson, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Wilson, referred to Taxation.  
**SB 288**, introduced by Vincent, Olson, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 173** - Senator Keane moved **SB 173** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.  
Total 34

Nays: Arntzen, Boulanger, D. Brown, T. Brown, Facey, Jackson, Phillips, Rosendale, Sales, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.  
Total 15

Paired: Brenden, Jent, Aye; Facey, Tutvedt, No.

Absent or not voting: None.  
Total 0

Excused: Priest.  
Total 1

**SB 127** - Senator Buttrey moved **SB 127** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brenden, Jent, Priest.  
Total 3

**SB 174** - Senator Keane moved **SB 174** do pass. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.  
Total 40

Nays: Barrett Debby, Lewis, Taylor, Thomas, Tutvedt, Wittich, Mr. President.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Brenden, Jent, Priest.  
Total 3

**SB 183** - Senator Arntzen moved **SB 183** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brenden, Jent, Priest.  
Total 3

**SJR 11** - Senator D. Brown moved **SJR 11** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 45

Nays: T. Brown, Moore, Wittich.  
Total 3

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Paired: Brenden, Aye; Moore, No.

Absent or not voting: None.

Total 0

Excused: Jent, Priest.

Total 2

**SB 213** - Senator Larsen moved **SB 213** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jent, Priest.

Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jergeson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Sales, Thomas.

Total 2

Absent or not voting: None.

Total 0

Excused: Brenden, Jent, Priest.

Total 3

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 107** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 44

Nays: Sonju, Vincent, Walker.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Brenden, Jent, Priest.  
Total 3

**SB 112** passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.  
Total 33

Nays: Arthun, Brenden, D. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Walker, Webb.  
Total 15

Paired: Larsen, Aye; Brenden, No.

Absent or not voting: None.  
Total 0

Excused: Jent, Priest.  
Total 2

**SB 120** passed as follows:



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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 29

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sales, Sesso, Thomas, Tropila, Van Dyk, Wanzenried.

Total 19

Paired: Brenden, Aye; Larsen, No.

Absent or not voting: None.

Total 0

Excused: Jent, Priest.

Total 2

**SB 96** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 33

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 16

Paired: Brenden, Priest, Aye; Blewett, Larsen, No.

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 138** passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

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Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Paired: Brenden, Priest, Aye; Blewett, Larsen, No.

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**MOTIONS**

Senator Ripley moved **SB 127** and **SB 173** be referred to the Finance and Claims committee. Senator Buttrey reminded the body that an amendment to **SB 127** had removed the fiscal impact; President Essmann will request an updated fiscal note. The motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.

Total 40

Nays: Hamlett, Jergeson, Malek, Sonju, Stewart-Peregoy, Walker, Wanzenried.

Total 7

Absent or not voting: None.

Total 0

Excused: Brenden, Jent, Priest.

Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 11, 2013, the thirtieth legislative day. Motion carried.

Senate adjourned at 9:22 a.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate